

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PACE LOCAL UNION 5-1967 : Case No. C-1-01 301
et al. (WEBER, JUDGE)
Plaintiffs : (Magistrate Novotny)

vs. :

INTERNATIONAL PAPER COMPANY
Defendant

PLAINTIFF'S OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATION THAT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BE GRANTED

APPENDIX

Excerpts and selected exhibits from following depositions:

Tim Bray deposition
Anetta Johnson deposition
Milton Lewis deposition
Dan Maheu deposition
George Payton deposition
William Rumpler deposition
Kenneth Stanifer deposition
Mary Rita Weissman deposition

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PACE LOCAL UNION 5-1967, et al.,
Plaintiffs,
vs.
INTERNATIONAL PAPER COMPANY,
Defendant.

CASE NO.
C-1-01-301

DEPOSITION OF: TIMOTHY D. BRAY
TAKEN: By the Defendant
Pursuant to Notice
DATE: November 20, 2002
TIME: Commencing at 11:07 a.m.
PLACE: Offices of:
Graydon, Head & Ritchey
1900 Fifth Third Center
511 Walnut Street
Cincinnati, Ohio 45202
BEFORE: Sharon A. Helfrich,
Notary Public - State of Ohio

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1 APPEARANCES:

On behalf of the plaintiffs:
Robert L. Doggett, Esq.
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Suite 630
Cincinnati, Ohio 45202-2139

On behalf of the defendant:
Vincent J. Miraglia, Esq.
of
McGuireWoods, L.L.P.
Washington Square
1050 Connecticut Avenue N.W.
Suite 1200
Washington, D.C. 20036-5317

Also present:

Mr. Kenneth C. Stanifer
Mr. Ron Schweitzer
Mr. J. Thomas Stewart

TIMOTHY D. BRAY

of lawful age, a witness herein, being first duly sworn as
hereinafter certified, was examined and deposed as follows:

CROSS-EXAMINATION

BY MR. MIRAGLIA:

Q. Give me your name and spell it, please.
A. Tim Bray, B-r-a-y.
Q. And what's your current employer?
A. My current employer is Pace International
Union.
Q. And your current job title?
A. I'm an organizer.
Q. For purposes of this deposition and for the
court reporter, I will need you to give verbal responses.
The court reporter can't understand nods of the head or
uh-huh or uh-uh. Okay?
A. Yes, sir.
Q. I'm also going to assume that you've understood
the question that I've asked you unless you tell me
otherwise. All right?
A. Okay.
Q. And if you need a break at all, please let me
know and we'll take a break at the next appropriate time. Is
that okay?

17

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1 Q. When were you elected president?
 2 A. March of 1990.
 3 Q. Did you run against Mr. Fouts?
 4 A. Yes, I did.
 5 Q. Who was your vice-president at that time?
 6 A. Michael Carpenter.
 7 Q. What are the other officer positions in the
 8 union?
 9 A. As far as officers, that's the only officers. I
 10 was also -- I served on the executive board by virtue of
 11 being the vice-president and president of the local union.
 12 Q. What other offices or positions are there in
 13 the union?
 14 A. Oh, I misunderstood. You have the financial
 15 secretary/treasurer, and you have the recording secretary
 16 and then you have three trustees.
 17 Q. And you held the union president position for
 18 how long?
 19 A. Twelve years.
 20 Q. So 2002?
 21 A. March of 2002; yes, sir.
 22 Q. Who is the current union president?
 23 A. His name is Ronald Schweitzer.
 24 Q. Did you run against Mr. Schweitzer?

1 A. It means I was on a paid leave of absence.
 2 serving in the capacity of the local president of the local
 3 union.
 4 Q. Were you being paid by the union?
 5 A. I was being paid by the local union. Local
 6 1967.
 7 Q. What was your salary?
 8 A. The amount?
 9 Q. Yeah.
 10 A. I was on salary.
 11 Q. As of 2002.
 12 A. Approximately \$2,000.
 13 Q. That was your last salary with the union?
 14 A. I don't remember, to tell you the truth. It
 15 was approximately that much, something like that.
 16 Q. Would you have received benefits under the
 17 Collective Bargaining Agreement or was it a separate
 18 benefits package that you would have had?
 19 A. It was an agreement that we had worked out with
 20 Champion Paper.
 21 Q. Can you explain that to me?
 22 A. The health care, the dental, the life insurance
 23 was provided by Champion. My wages was paid by the local
 24 union. However, I did not receive -- I did not have any

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1 A. Yes, I did.
 2 Q. On what date were you no longer president of
 3 Local 1967?
 4 A. I will say March 13th of 2002. I believe
 5 that's the date, approximately.
 6 Q. Prior to March 2002, who was your
 7 vice-president?
 8 A. Irvin Sandlin.
 9 Q. Who was the financial secretary/treasurer?
 10 A. Cordell Mellott. M-e-l-l-o-t-t.
 11 Q. Who was the recording secretary?
 12 A. Pearl -- which is a male -- Hicks, H-i-c-k-s.
 13 Q. And the three trustees?
 14 A. It was David Bowling.
 15 Q. Can you spell the last name?
 16 A. B-o-w-l-i-n-g. David Baker and Jeff Johnson.
 17 Q. Were you and the six people you just named
 18 employees of Champion and then International Paper?
 19 A. Yes.
 20 Q. From March 1990 until March 2002, what was
 21 your employment status at the Hamilton mill?
 22 A. I was on what they call a union leave of
 23 absence.
 24 Q. Can you explain what that means?

1 health benefits under Champion because, where my wife
 2 worked, I was under hers.
 3 Q. Did you have dental and life under Champion?
 4 A. Yes.
 5 Q. Was that throughout the 12 years that you were
 6 president?
 7 A. Eleven of those years.
 8 Q. What was the 12th year?
 9 A. The 12th year was when Smart Papers acquired
 10 International Paper. I did not have any, of course, health
 11 care. Dental care. No life insurance provided for, no. I
 12 was still serving as president of the local union and, of
 13 course, being paid by the local.
 14 Q. What we have referred to as the Champion mill
 15 was located where?
 16 A. 601 North B Street in Hamilton, Ohio.
 17 Q. And Champion and the ownership of that mill
 18 changed in the year 2000; is that correct?
 19 A. Yes.
 20 Q. Do you recall the date?
 21 A. I'm not sure, but I believe it was around the
 22 first of June of 2000.
 23 Q. And who obtained ownership of the mill?
 24 A. A group out of Boca Raton, Florida, I believe;

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1 stage, Plant Protection?
 2 A. Yes.
 3 Q. Was there a deadline for you to either accept
 4 or reject the offer?
 5 A. Yes.
 6 Q. Do you recall what that date was?
 7 A. You know what, I can't remember if it was 24
 8 hours or 48 hours. I can't remember which it was.
 9 Q. You did it within 24?
 10 A. Yes, I did it within 24.
 11 Q. As union president, were you offered or
 12 provided with any information regarding who was given offers
 13 or who wasn't?
 14 A. No, I wasn't.
 15 Q. In Pace's initial disclosures that your
 16 counsel provided to us, there's reference that you were
 17 involved in a conversation discussing a secret telephone
 18 number?
 19 A. Yes.
 20 Q. All right. When did that conversation take
 21 place?
 22 A. January 26th.
 23 Q. Friday?
 24 A. Yes.

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1 Q. Where did that take place?
 2 A. It took place in my union office.
 3 Q. Where was that?
 4 A. It's 1050 Millville Avenue, Hamilton, Ohio,
 5 45013.
 6 Q. Is that on the Hamilton B Street property?
 7 A. No. The local -- Pace Local 196 owns that
 8 building and its property, and it's approximately five
 9 minutes away from the mill.
 10 Q. I see. And with whom did you have that
 11 conversation?
 12 A. The conversation started actually when myself
 13 and Ken Stanifer and Irvin Sandlin came back from the
 14 meeting on January 26th where we presented the Effects
 15 Bargaining Package to the membership.
 16 We went back to pick up our things, and while
 17 we were in there we sat and chatted. It was about 6:30. We
 18 were walking out the door, myself, Ken and Irvin, and the
 19 phone rang. I said, I'd better get this.
 20 So I went back into the vice-president's
 21 office, that was the closest phone, and answered the phone.
 22 And a gentleman by the name of Herb Marcum told me, he said
 23 that he'd just received a call from his supervisor and was
 24 given a phone number and he said, if you do not wish to work

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1 at Smart and you want your severance, call this number and
 2 let them know.
 3 Q. Who was the supervisor?
 4 A. I believe it was Tom Weezer (phonetic). I
 5 believe that's his name.
 6 Q. What area did Mr. Herb Marcum work?
 7 A. The drum.
 8 Q. And what was Mr. Weezer's position?
 9 A. He's kind of like the superintendent over the
 10 drums. I'm not sure of his official title at that time.
 11 Q. Do you know what the telephone number was?
 12 A. No, I don't know the number, but the guy did
 13 give me the number.
 14 Q. Do you have it?
 15 A. No. I do not have it with me.
 16 Q. Do you have it anywhere?
 17 A. Not that I know of, no. The only thing, when
 18 he called and told me the number, I said, give me the number
 19 and I'll call it and see what happens. It was a 937 area
 20 code and then the seven digits. And I told him, this is a
 21 Dayton number, Dayton, Ohio is 937 up in that area. So I
 22 said, I'll call it and get back with you.
 23 Q. All right.
 24 A. So I called it and Mary Rita Wiesmanans, ~~she~~

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1 the phone. And she was on a cell phone at the Hamiltonian.
 2 And I told her the conversation, that Herb Marcum's
 3 supervisor called him and said, if you do not wish to work
 4 for Smart and you want the severance package, call this
 5 number. I said, what's this all about? She said, this is
 6 correct. This is important data we need to know when
 7 determining the hiring.
 8 Q. They wanted to know if somebody didn't want to
 9 work for them?
 10 A. Yes. So I told her, I said, well, this is some
 11 information that our folks need to know about, you know.
 12 That's pretty important stuff.
 13 So she told me, she says, well, you know, I'm
 14 not sure how much good that will do. People may get hired
 15 anyway, but this is data we have to have. Again, I said, I
 16 have to let some folks know about this.
 17 I hung up and called Herb Marcum back and I
 18 told him, Herb, go ahead and call that number and tell Mary
 19 Rita Wiesman you do not wish to work for Smart, you want
 20 your severance. I hung up the phone.
 21 So we were walking out, like I said, Ken
 22 Stanifer and Irvin Sandlin, and I told them the
 23 conversation. They could hear myself, of course, but not
 24 the other side so I told them the conversation. I said,

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1 this is information we need to get to the membership. It's
2 pretty important stuff. And I said, I need to go talk to
3 Annetta Johnson about this.

4 And, of course, by this time it's probably
5 around 7:00 maybe, something like that, and I did notice
6 that on that day, the 26th, that they were having meetings
7 at the Communications Center at the Hamilton B Street mill
8 So I went over there, drove over there to try to find
9 Annetta Johnson.

10 Q. And what was Ms. Johnson's position?

11 A. She was the Human Resource manager.

12 Q. Did you find her?

13 A. Not there. I talked to this one woman who
14 happens to work for Annetta and I asked her, is Annetta here
15 and she said, no.

16 Q. And who was that?

17 A. Her name was Tina Laslo, L-a-s-l-o.

18 Q. She was at that Communications Center?

19 A. Yeah, she was.

20 Q. Okay.

21 A. That was during the retirement session,
22 explaining to the folks what their retirement would be. I
23 asked if Annetta was there. She said, no. I said, do you
24 have her phone number?

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1 Now, the Communications Center, the room is
2 upstairs. So we went down to the HR department and she got
3 on her computer and did what she did and got me Annetta
4 Johnson's home phone number. So right there I called her at
5 home, but Annetta wasn't home. I explained -- told her
6 husband who I was and he said he expected her back within
7 the hour. I think I said, I'm leaving here now, I'm at the
8 mill and it takes about 15 minutes for me to get home. If
9 she comes in within that 15 minutes, tell her to wait until
10 afterwards to call me.

11 So, again, that's like 20 after 7:00 or
12 whatever, approximately. So I drove home, and at about
13 roughly 8:00 Annetta Johnson calls me at home.

14 MR. DOGGETT: Still on the 26th?

15 THE WITNESS: Yes, sir; Friday the 26th.

16 A. Annetta calls me and I explain to her my
17 conversation with Mary Rita Wiesman -- well, with Herb
18 Marcum and then Mary Rita Wiesman answers the phone. I
19 said, Annetta, we need to get this information out to the
20 people to let them know that if they would rather have a
21 severance rather than being hired, they would know and be
22 able to call and let people know.

23 She said, Tim, I can't do that. She said, I
24 worked for International Paper and we had promised Smart

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1 Papers a pool of employees to hire to run the mill. And I
2 said, well, if you can't do it, I can do it. This is Friday
3 evening, a little after 8:00. I said, I'll do it.

4 She said, Tim, it won't do any good. Mary Rita
5 Wiesman will be taking the names to Dan Maheu about 9:00
6 today with their stuff, the information on the people.

7 Well, there was nothing I could do. Everything
8 had been turned in by that time and the weekend was coming
9 up.

10 Q. So you didn't advise anybody about this?

11 A. I talked to a few folks. It was hard for me to
12 try to get ahold of everyone because, again, it was late
13 Friday and they were turning the names in almost as me and
14 Annetta was speaking. So it was virtually impossible for me
15 to really communicate it out.

16 But people did know about it. Some of them
17 didn't know what the number was. They had no idea what the
18 number was.

19 Q. Did they know who Mary Rita Wiesman was?

20 A. No. They knew there was a group interviewing,
21 but they didn't know --

22 Q. They didn't know the Wiesman Group?

23 A. No, I don't think so. I didn't know who it
24 was either until after the fact, like I said.

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1 Q. When you spoke to Ms. Johnson about this, your
2 conversation with Ms. Wiesman, did she know about the number
3 prior to you talking to her?

4 A. Did she know what?

5 Q. About the Wiesman number prior to you talking
6 to her?

7 A. I think so, yes.

8 Q. Why do you think so?

9 A. Well, if Tom Weezer knew the number and -- who
10 was the supervisor in the mill, I would think that Annetta
11 Johnson would know it also, because she was the HR manager.

12 Q. But you don't know for sure whether she did or
13 not?

14 A. I didn't, no. I didn't ask him.

15 Q. And she didn't say she knew about it?

16 A. She knew about the people calling. That was
17 important information. Yes, she knew, but I didn't ask her.
18 But that's when she said, Tim, I can't do that, but it
19 wouldn't do any good for you to do it, because of the time
20 frame.

21 Q. Did you speak to anybody else other than Ms.
22 Wiesman and Ms. Johnson and Mr. Marcum?

23 A. That evening?

24 Q. That evening?

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1 A. Not that I recall.
 2 Q. Did you speak to anybody else at International
 3 Paper regarding this issue?
 4 A. That evening?
 5 Q. Ever.
 6 A. Not that I can recall. Now, the subject was
 7 brought up, but I didn't bring the subject up. At the
 8 meeting of February 10th at 3:00, there at the end of the
 9 meeting Hocutt Phillips was holding -- Jesse Lane applied
 10 for the job.
 11 Jesse said to Hocutt Phillips, it was my
 12 understanding there was a number that you could call or tell
 13 your supervisor if you did not want to work for Smart, that
 14 we would receive the severance. And Hocutt Phillips said,
 15 yes. And Jesse Lane said, why wasn't we informed of that?
 16 And Hocutt said, well, we were agents of International Paper
 17 and we had promised Smart Papers that we would have them
 18 employees to hire from.
 19 Q. Now, this number was to Mary Rita Wiesman?
 20 A. She answered the phone.
 21 Q. And Mary Rita Wiesman was the person that
 22 interviewed you?
 23 A. Yes.
 24 Q. So employees -- all employees that were offered

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1 a job or not offered a job met with Ms. Wiesman or one of
 2 her employees; is that correct?
 3 A. Yes. During the interview process?
 4 Q. Yes.
 5 A. Yes.
 6 Q. So at that time, during the interview process,
 7 employees could have said they did not want to work for
 8 Smart, couldn't they have?
 9 A. I suppose so.
 10 Q. Did Mr. Marcum get an offer?
 11 A. No.
 12 Q. Do you know of anybody else that called Ms.
 13 Wiesman after their interview and said that they didn't want
 14 an offer?
 15 A. I do not.
 16 Q. Other than Mr. Marcum.
 17 A. I do not know.
 18 Q. So the only person you know of that did call
 19 Ms. Wiesman was Herb Marcum?
 20 A. Yes.
 21 Q. Did you ever talk to Mr. Weezer?
 22 A. No.
 23 Q. Do you know how Mr. Lane found out about the
 24 telephone number?

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1 A. No. He didn't know about it.
 2 MR. DOGGETT: No. I think the question was, do
 3 you know how Mr. Lang found out about the phone
 4 number?
 5 A. Oh, no, I do not.
 6 Q. Do you know if Mr. Weezer works for Smart
 7 Papers now?
 8 A. I believe he does, yes.
 9 Q. As far as you know, Ms. Wiesman worked for
 10 Smart Papers, correct?
 11 A. Does she work for Smart Papers?
 12 Q. She was acting as an agent for Smart Papers?
 13 A. I believe so, yes.
 14 Q. And in order to receive an offer from Smart
 15 Papers, employees had to interview with either Ms. Wiesman
 16 or somebody from her company?
 17 A. They had to complete the whole process.
 18 Q. And from what you've just told me, if they
 19 didn't want an offer, they would also have to go through Ms.
 20 Wiesman; is that correct?
 21 A. Say that again.
 22 Q. If they didn't want an offer they had to call
 23 Ms. Wiesman, also?
 24 A. They didn't know about it. Herb Marcum did.

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1 Q. So if they didn't want an offer, they would
 2 have to talk to Ms. Wiesman?
 3 A. Yes.
 4 Q. Do you know of any other method for which any
 5 employees would or would not have received an offer other
 6 than through Ms. Wiesman?
 7 A. I suppose they could have told their
 8 supervisor.
 9 Q. Well, the supervisor was not hiring employees
 10 for Smart Papers.
 11 A. But they were interviewing the supervisor about
 12 the people.
 13 Q. But Ms. Wiesman was in charge of the offers,
 14 correct?
 15 A. I do not know that.
 16 Q. Okay. Did you ever talk to Mr. Stewart
 17 regarding this issue?
 18 A. About the phone number?
 19 Q. Yes.
 20 A. No.
 21 Q. Back to Exhibit Number 2, the Effects
 22 Bargaining Agreement.
 23 A. Yes.
 24 Q. I just want to clarify that this Effects

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
4 CASE NUMBER C-1-01 301
5 -----)
6 PACE LOCAL UNION 5-1967, et al.,)
7 Plaintiffs,)
8 v)
9 INTERNATIONAL PAPER COMPANY,)
10 Defendant.)
11 -----)
12
13
14 DEPOSITION OF ANNETTA JOHNSON
15 (Taken by Defendant)
16 Raleigh, North Carolina
17 February 7, 2003
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19
20
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22 REPORTED BY: Victoria L. Pittman, RPR
Notary Public
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<p style="text-align: center;">2</p> <p style="text-align: center;">1 APPEARANCES</p> <p>2</p> <p>3 For the Plaintiff's:</p> <p>4</p> <p>5 ROBERT I. DOGGETT</p> <p>6 Law Office of Robert I. Doggett</p> <p>7 215 East Ninth Street, Suite 630</p> <p>8 Cincinnati, Ohio 45202</p> <p>9 (513) 241-6116</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 VINCENT J. MIRAGLIA</p> <p>13 McGuire Woods LLP</p> <p>14 1050 Connecticut Avenue, NW, Suite 1200</p> <p>15 Washington, DC 20036-5317</p> <p>16 (202) 857-1700</p> <p>17 (202) 857-1737 (fax)</p> <p>18</p> <p>19 For Smart Papers:</p> <p>20 LAINE S. POSEL</p> <p>21 Morgan Lewis</p> <p>22 1111 Pennsylvania Avenue, NW</p> <p>23 Washington, DC 20004</p> <p>24 (202) 739-3724</p> <p>25 (202) 739-3001 (fax)</p> <p>Deposition of Annetta Johnson, taken by the Defendant at Womble Carlyle Sandridge & Rice, 150 Fayetteville Street Mall, Suite 2100, Raleigh, North Carolina, on the 7th day of February, 2003, at 8:25 a.m., before Victoria L. Pittman, RPR, Notary Public.</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 ANNETTA JOHNSON,</p> <p>4 having been duly sworn,</p> <p>5 was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>7 BY MR. MIRAGLIA:</p> <p>8 Q Ms. Johnson, my name is Vincent Miraglia, I</p> <p>9 represent International Paper in a deposition -- in a case</p> <p>10 entitled Pace versus -- Pace, et al. versus International</p> <p>11 Paper.</p> <p>12 We're hear to take your deposition today related</p> <p>13 to your employment at the Hamilton B Street Mill.</p> <p>14 First of all, I just want to explain if you ever</p> <p>15 need a break during our time here, just let me know and</p> <p>16 we'll, at an appropriate time, take a quick break.</p> <p>17 Also, if there's any misunderstanding about my</p> <p>18 question, if I'm not clear, if you don't understand exactly</p> <p>19 what I'm asking, please ask me to clarify what I'm asking.</p> <p>20 Okay. Have you ever had your deposition taken</p> <p>21 before?</p> <p>22 A Yes.</p> <p>23 Q Okay. When was that?</p> <p>24 A Three or four years ago.</p> <p>25 Q And who was that for?</p>
<p style="text-align: center;">3</p> <p style="text-align: center;">1 CONTENTS</p> <p>2 The Witness: Annetta Johnson Examination</p> <p>3 By Mr. Miraglia..... 4, 75</p> <p>4 By Mr. Doggett..... 39, 80</p> <p>5</p> <p>6</p> <p>7 INDEX of the EXHIBITS</p> <p>8 EXHIBIT DESCRIPTION PAGE</p> <p>9 1 Effects Bargaining Package 12</p> <p>10 2 Smart Papers Data Sheet, 3-6-01 27</p> <p>11 3 Taylor Agreement 33</p> <p>12 4 Ratliff Agreement 33</p> <p>13 5 Born Agreement 33</p> <p>14 6 Thomas Agreement 33</p> <p>15</p> <p>16 P-1 Confidential Documentation 51</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">5</p> <p>1 A Champion International.</p> <p>2 Q Do you remember what the name of case was?</p> <p>3 A Stewart and -- I don't remember the other</p> <p>4 employee.</p> <p>5 Q Okay. Generally do you recall what the case was</p> <p>6 about?</p> <p>7 A Inappropriate discharge.</p> <p>8 Q Okay.</p> <p>9 A Salaried employees.</p> <p>10 Q Any other depositions you've taken?</p> <p>11 A No.</p> <p>12 Q Have you ever given testimony before other than</p> <p>13 that deposition?</p> <p>14 A No.</p> <p>15 Q Okay. Can you just tell us your full name for the</p> <p>16 record.</p> <p>17 A Annetta Kay Johnson.</p> <p>18 Q And your present business address.</p> <p>19 A 2400 Ellis Road, Suite 100, Durham, North Carolina</p> <p>20 27703.</p> <p>21 Q Your date of birth.</p> <p>22 A 10-4-61.</p> <p>23 Q Just after high school, your education; did you go</p> <p>24 to college?</p> <p>25 A Went to college at the University of Tennessee in</p>

<p style="text-align: right;">6</p> <p>1 Knoxville and received a Bachelors Degree in Business.</p> <p>2 And then started to work for Champion</p> <p>3 International in Canton, North Carolina and pursued a</p> <p>4 masters degree there in business, with Western Carolina</p> <p>5 University of Cullowhee.</p> <p>6 Q Did you attain that degree?</p> <p>7 A No, I got relocated.</p> <p>8 Q What year did you graduate from Tennessee?</p> <p>9 A '83.</p> <p>10 Q Okay. And what year did you start with Champion?</p> <p>11 A '83.</p> <p>12 Q In what position did you start with Champion?</p> <p>13 A Employee relations trainee, in their trainee</p> <p>14 program.</p> <p>15 Q You said that was in Canton?</p> <p>16 A Uh-huh.</p> <p>17 Q Ohio?</p> <p>18 A North Carolina.</p> <p>19 Q Okay. And from Canton, where did you go?</p> <p>20 A I went to Walden, New York, retail packaging</p> <p>21 business for Champion.</p> <p>22 Q How long were you there?</p> <p>23 A Three years.</p> <p>24 Q And then where did you go?</p> <p>25 A Pensacola, Florida.</p>	<p style="text-align: right;">8</p> <p>1 International Paper took over the Hamilton Mill, is that</p> <p>2 approximately June of 2000; does that sound correct?</p> <p>3 A Yes.</p> <p>4 Q And you were hired by International Paper.</p> <p>5 A Yes.</p> <p>6 Q And in what job were you hired?</p> <p>7 A Same position.</p> <p>8 Q Just briefly, if you could explain your job duties</p> <p>9 while you were International Paper Human Resources</p> <p>10 Development Manager.</p> <p>11 A When I consider managing the human resources</p> <p>12 function, it included labor relations function, salary</p> <p>13 administration, wage administration, benefits training, and</p> <p>14 organizational improvement.</p> <p>15 I also had the health and safety group reporting</p> <p>16 to me, so that would include loss prevention, security, fire</p> <p>17 protection.</p> <p>18 (Discussion off the record.)</p> <p>19 Q Okay. Who were your supervisors?</p> <p>20 A Dan Mayheu.</p> <p>21 Q I guess we'll get your employment history taken</p> <p>22 care of and then we'll go back.</p> <p>23 When did you cease being an employee of</p> <p>24 International Paper?</p> <p>25 A When the mill was sold to Smart Papers. I don't</p>
<p style="text-align: right;">7</p> <p>1 Q How long were you there?</p> <p>2 A Eight years.</p> <p>3 Q Actually, I forgot. In Walden, what was your job</p> <p>4 title?</p> <p>5 A HR manager, something like that.</p> <p>6 Q Still in the human resources department.</p> <p>7 A Yes.</p> <p>8 Q And in Pensacola, what did you do?</p> <p>9 A I worked in the organizational development or</p> <p>10 effectiveness group for three years. And then in labor</p> <p>11 relations for five years.</p> <p>12 Q Okay.</p> <p>13 A All in the human resources development area.</p> <p>14 Q Okay. And where did you go after Pensacola?</p> <p>15 A Hamilton Mill, Hamilton, Ohio.</p> <p>16 Q What year was that, if you recall?</p> <p>17 A '96.</p> <p>18 Q And that was still with Champion?</p> <p>19 A Yes.</p> <p>20 Q Okay. What was your job title there?</p> <p>21 A Human Resources Development Manager.</p> <p>22 Q And was that your job title throughout your</p> <p>23 employment with Champion at the Hamilton Mill?</p> <p>24 A Yes.</p> <p>25 Q We've established at some point in time.</p>	<p style="text-align: right;">9</p> <p>1 recall the date, January, February, sometime, it seems. I</p> <p>2 think, February of 2001.</p> <p>3 Q And then you went to Smart Papers.</p> <p>4 A Correct.</p> <p>5 Q What was your job title there?</p> <p>6 A Vice president of Human Resources and Strategic</p> <p>7 Planning.</p> <p>8 Q And then shortly after that, you left Smart</p> <p>9 Papers. And where did you go?</p> <p>10 A I went to Reichhold, Inc.</p> <p>11 Q When was that about?</p> <p>12 A When did I start working at Reichhold?</p> <p>13 Q Yes.</p> <p>14 A In June of 2001.</p> <p>15 Q In what position?</p> <p>16 A Human Resources Director.</p> <p>17 Q Is that where are you currently?</p> <p>18 A No.</p> <p>19 Q Where are you now?</p> <p>20 A I am with the joint venture. I went to Reichhold</p> <p>21 with the purpose of establishing a joint venture for one of</p> <p>22 their specialty chemical businesses. So I'm with</p> <p>23 Dow-Reichhold Specialty Latex; 50/50 joint venture.</p> <p>24 Q And what is your position with -</p> <p>25 A Human Resources Director.</p>

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1 Q I believe Ms. Weissman testified that that
2 information was primarily with regard to attendance and
3 discipline; is that correct?
4 A Would have been attendance and discipline, yes.
5 Q As I understand it, Smart Papers also went through
6 the process of speaking to International Paper's employees'
7 supervisors for references; is that correct?
8 A That was their reference-checking procedure.
9 Q And you assisted in making those supervisors
10 available; is that correct?
11 A I scheduled their interviews, just as I scheduled
12 all employees' interviews.
13 Q Other than the scheduling of those interviews, did
14 you have any involvement in the those references for
15 Ms. Weissman?
16 A Well, I as a supervisor had to provide references
17 for the employees that worked directly for me. But other
18 than that, no.
19 Q As I said, the sale went through from
20 International Paper to Smart Papers on February 9.
21 Up until that date, did you have any authority
22 whatsoever in the hiring decisions made by Smart Papers?
23 A None.
24 Q Did you have any authority in the termination
25 decisions of Smart?

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1 A None.
2 Q Did International Paper have any authority in the
3 hiring decisions for Smart?
4 A None.
5 Q Did International Paper have any authority with
6 regard to the termination of employees for Smart?
7 A None.
8 Q Prior to the sale going through, do you recall a
9 conversation that you had with union president Tim Bray?
10 A Regarding? It's a pretty open-ended question.
11 Q So you had several conversations with Mr. Bray.
12 A Sure.
13 Q Okay. Do you recall Mr. Bray contacting you with
14 regard to a conversation he had with a gentleman by the name
15 Herb Markham?
16 A That name does not ring a bell for me.
17 Q Do you recall a conversation with Mr. Bray with
18 regard to Ms. Weissman's cell phone number?
19 A I recall Tim Bray contacting me regarding a phone
20 number for Ms. Weissman; I don't recall whether or not it
21 was a cell phone.
22 Q Okay. Can you tell me what you recollect about
23 that conversation.
24 A As I recall, it was later in January, after we've
25 gone through some of the -- gone through most, if not all,

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1 of the interviews. I got a call from Tim. And I don't
2 recall the specifics of the conversation, but in general, he
3 was wondering if there was -- either the truth about a phone
4 number, is there a phone available, or is there a way for
5 people who don't want job offers to make that known.
6 Q Okay. Do you recall what your response was?
7 A Exactly, no. Generally, my response was that
8 employees were really only obligated to participate, fully
9 cooperate in the interview process as stated in the effects
10 bargaining agreement.
11 If someone doesn't want a job, they should state
12 so during a interview process. If they are -- have
13 completed the interview process and are rethinking their
14 position, they had the ability to contact Smart Papers and
15 let them know that.
16 That I could not be the go-between around that.
17 That they had to make direct contact with Smart Papers.
18 Q Is that because you had nothing to do with the
19 hiring decisions made by Smart Papers?
20 A That's correct.
21 Q And if anybody wanted to relate anything with
22 regards to the hiring process of Smart Papers, they should
23 contact Smart Papers.
24 MR. DOGGETT: Well, I think if this deposition's
25 going to be used in lieu of Ms. Johnson's testimony in

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1 court, I think I have to object to the leading form of the
2 questions.
3 (Pause.)
4 BY MR. MIRAGLIA:
5 Q Do you know if International Paper made
6 any -- strike that.
7 Other than your conversation with Mr. Bray
8 regarding the telephone number, do you recall any other
9 conversations you had with regard to a telephone number of
10 Smart Papers?
11 A Yes. It would have been in what was called at
12 that time HOT, the Hamilton Operations Team.
13 MR. DOGGETT: What did she say?
14 THE WITNESS: The Hamilton Operations Team,
15 acronym HOT.
16 This was a group of managers and supervisors that
17 were responsible for the daily operations of the mill. And
18 they met on a fairly regular basis.
19 I was not a member of that team; I was a member of
20 the leadership team. And occasionally I would go to their
21 meetings, particularly during this time, to make sure that
22 there weren't any other issues or questions that they had
23 regarding scheduling interview times, those type of things.
24 BY MR. MIRAGLIA:
25 Q With regard to the transition from International

<p style="text-align: right;">22</p> <p>1 Paper to Smart?</p> <p>2 A Correct. And there was -- at one of their</p> <p>3 meetings, there was some question about, as they received</p> <p>4 questions from their employees on the floor, what should we</p> <p>5 do if we don't want a job?</p> <p>6 And my general guidance was the same as if I gave</p> <p>7 it to any individual; it was, if they don't want the job,</p> <p>8 they should so indicate in the interview. But we should</p> <p>9 encourage them to fully cooperate with the interview</p> <p>10 process.</p> <p>11 Q But if there was any preference of or lack of</p> <p>12 preference for a job, they should contact Smart Papers.</p> <p>13 A The further direction was if it had passed their</p> <p>14 interview time, that they should feel free to contact Smart</p> <p>15 Papers -- and when I say that, I mean Mary Rita Weissman.</p> <p>16 And I gave the supervisors, at that particular meeting, Mary</p> <p>17 Rita's phone number.</p> <p>18 And their guidance, then, would have been to, if</p> <p>19 an employee asks you, feel free to provide that direction.</p> <p>20 Q Okay. You say contact Smart Papers, and I mean</p> <p>21 Mary Rita Weissman. Why do you put it like that?</p> <p>22 A Well, there was no one within International Paper</p> <p>23 that was affecting the employment decisions by Smart Papers.</p> <p>24 The lines were very clear. Very clear.</p> <p>25 I, as an International Paper employee, was not to</p>	<p style="text-align: right;">24</p> <p>1 I think we have established on Saturday,</p> <p>2 February 10, the former employees of IP who technically</p> <p>3 ceased to be IP employees a few hours earlier were called to</p> <p>4 a meeting and told whether or not they had a job with Smart;</p> <p>5 is that correct?</p> <p>6 A Can you repeat the question? I'm sorry.</p> <p>7 Q The day the sale went through, former IP employees</p> <p>8 were told by Smart Papers whether or not they had a job with</p> <p>9 Smart Papers.</p> <p>10 A That's correct.</p> <p>11 Q Can you tell me how that process went.</p> <p>12 A Yes.</p> <p>13 Q And I'm focussing on the hourly employees at this</p> <p>14 stage.</p> <p>15 MR. DOGGETT: Did you say next day, after the</p> <p>16 sale?</p> <p>17 MR. MIRAGLIA: Yes.</p> <p>18 MR. DOGGETT: Would have been Saturday,</p> <p>19 February 10?</p> <p>20 MR. MIRAGLIA: Right.</p> <p>21 THE WITNESS: Right.</p> <p>22 MR. DOGGETT: Okay.</p> <p>23 THE WITNESS: As I recall, on that Saturday, there</p> <p>24 were several meetings scheduled. And they were scheduled in</p> <p>25 groups based upon whether or not people were receiving</p>
<p style="text-align: right;">23</p> <p>1 be involved with the Smart Papers decision and</p> <p>2 decision-making process.</p> <p>3 Q And Ms. Weissman was one of the few employees of</p> <p>4 Smart Papers at that time.</p> <p>5 A That's correct.</p> <p>6 Q Okay. When did your employment with International</p> <p>7 Paper end?</p> <p>8 A February 9 of 2001.</p> <p>9 Q The date of the sale?</p> <p>10 A The date of the sale.</p> <p>11 Q And when did your employment with Smart Papers</p> <p>12 begin?</p> <p>13 A Evening of February 9.</p> <p>14 Q So just to clarify, about what time, I guess, on</p> <p>15 February 9 were you --</p> <p>16 A About 5:00, as I remember receiving the offer from</p> <p>17 Smart Papers for 5:00 on -- I think it was a Friday.</p> <p>18 Q Okay.</p> <p>19 A February 9.</p> <p>20 Q And so shortly prior to that, you were terminated</p> <p>21 by International Paper.</p> <p>22 A I suppose that's the way it occurred.</p> <p>23 Q Okay.</p> <p>24 A As the sale became final.</p> <p>25 Q Sure.</p>	<p style="text-align: right;">25</p> <p>1 employment offers from Smart Papers for the hourly</p> <p>2 employees.</p> <p>3 Employees that were scheduled in the morning on</p> <p>4 Saturday morning -- there were several meeting rooms at a</p> <p>5 particular time in the morning. To the best of my</p> <p>6 recollection, there were three; one meeting room had Milton</p> <p>7 Lewis facilitating, one meeting room had Hocutt Phillips</p> <p>8 facilitating it, and I had the other room.</p> <p>9 There were meetings after that, maybe one or two,</p> <p>10 that I did. Again, that were informing people they were not</p> <p>11 being extended offers by Smart Papers, which therefore meant</p> <p>12 they were eligible for severance.</p> <p>13 BY MR. MIRAGLIA:</p> <p>14 Q According to the effects bargaining agreement.</p> <p>15 A According to the effects bargaining agreement.</p> <p>16 Later that day, there were meetings -- larger</p> <p>17 group meetings scheduled where employees were given their</p> <p>18 job offer by Smart Papers. I was not involved in those</p> <p>19 meetings.</p> <p>20 On Sunday, I met with salaried employees who were</p> <p>21 not given job offers. And I met with hourly -- one group, I</p> <p>22 believe, of hourly employees that, for some reason, couldn't</p> <p>23 meet on Saturday.</p> <p>24 Q Okay. In your new role as a Smart Papers</p> <p>25 employee, did you have any involvement in determining who</p>

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1 opposed to the personnel?
 2 A He definitely was not reporting to personnel.
 3 Q What I'm saying is, your line of reporting and
 4 authority on the chart would have been relating to
 5 personnel.
 6 A Yes.
 7 Q The people, right?
 8 A That's correct.
 9 Q Hocutt was more like on operations.
 10 A He was, at that time, working as an interesting
 11 blend between operations and sales.
 12 Q Yes.
 13 A But he was not in the human resources arena.
 14 Q So he was not in your table of organization, on
 15 your -- down your --
 16 A We did not have a reporting relationship.
 17 Q Okay. Now, how -- I take it -- let me see if this
 18 is kind of correct. First of all, I should have prefaced my
 19 first question by asking you -- you're here on a deposition
 20 called by International Paper as you their former agent;
 21 isn't that correct?
 22 A I was subpoenaed by the attorneys representing IP.
 23 Q Okay. But you are a former managerial agent of
 24 International Paper, are you not?
 25 A That's correct.

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1 Q Now, let's go over to Smart. As I kind of get it,
 2 if it was 5:00 on Friday, the clock struck 5:00 p.m. on
 3 Friday night, February 9, 2001, and you changed from being
 4 and IP employee to being a Smart employee.
 5 A It was about that time, yes, sir.
 6 Q Okay. Now, as to the personnel people I'm
 7 interested in, yourself, Barbara Adams, Milton Lewis, how
 8 did Smart organize the people part of the, you know,
 9 operation, managerial part? You, Barb Adams, Milton Lewis
 10 or anybody else we should know about?
 11 MR. MIRAGLIA: I'm sorry, you're referring to the
 12 Smart Papers organization at this point?
 13 MR. DOGGETT: Right. Uh-huh.
 14 THE WITNESS: I was in charge of the human
 15 resources and strategic planning parts of the business. I
 16 do not recall a formal organizational structure below me.
 17 BY MR. DOGGETT:
 18 Q You don't know whether Milton continued to be
 19 reporting to Barb Adams and, thus, below you?
 20 A I don't recall that.
 21 Q Okay. How about Barb Adams, did she continue to
 22 report to you under Smart?
 23 A I don't recall having a formal organization
 24 established.
 25 Q Why did you leave Smart Papers?

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1 A My position was eliminated.
 2 Q So I take it you did not decide to leave, but your
 3 job was gone.
 4 A My job was eliminated.
 5 Q Did you know at that time that Milton Lewis
 6 continued, employed by Smart when your job was eliminated?
 7 A Oh, yes.
 8 Q Now, I'd like to go back and ask you some
 9 questions about what was happening in the last days that you
 10 were still International Paper's employee.
 11 From the time effects bargaining took place, do
 12 you recall that -- the document's dated January 23, 2001. I
 13 think that might have been like a Tuesday; a calendar would
 14 confirm that.
 15 But do you recall that's the day -- the date the
 16 package is dated at the top is the date that bargaining was
 17 completed? Does that sound about right?
 18 A I recall it being sometime in the January time
 19 frame, but I couldn't honestly say whether that was the day
 20 it was completed or that was the day the document was
 21 drafted.
 22 Q Uh-huh.
 23 A I don't know.
 24 Q Now, representing to you through other testimony
 25 of witness, including Tim Bray, that the union -- let me

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1 backtrack with something you had indicated.
 2 I think you indicated that you were told, I think
 3 you indicated later in the same week, that the union
 4 accepted the agreement, the effects bargaining package.
 5 A I don't recall me saying later in the same week; I
 6 recall being notified that there was a ratification or
 7 acceptance.
 8 Q I think you used January; is that fair to say?
 9 A I think the record would have to speak for that, I
 10 don't recall.
 11 Q You don't remember now from what you -- I'm sorry,
 12 I was listening as carefully as I could, but -- let me go
 13 on, then, with this.
 14 Mr. Bray has testified that on that Friday, which
 15 would have been January 26, 2001, he called you and finally
 16 reached you in the evening of that day, to talk about
 17 employees getting severance pay. Being -- trying to get
 18 severance pay. Do you recall that conversation?
 19 A Specifically about severance pay, no.
 20 Q Do you recall having a discussion, with Tim
 21 calling you and telling you something about a phone number
 22 Mary Rita Weissman's phone number?
 23 A Yes.
 24 Q Do you recall more what he said about the phone
 25 number?

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1 A I don't recall.
 2 Q Do you recall him telling you it was a nine -- it
 3 was a 937 exchange, Dayton exchange, or -- ultimately
 4 Ms. Weissman said it was her cell phone, but you don't know
 5 whether the number was a cell phone or not.
 6 A I don't recall that.
 7 Q Was it your testimony just a few -- you know
 8 about an hour earlier here, that you had given Mary Rita
 9 Weissman's phone number to some supervisors?
 10 A [REDACTED]
 11 Q And -- but you don't know what phone number it was
 12 as we sit here now.
 13 A No.
 14 Q You don't know whether it was her cell phone
 15 number or not.
 16 A No, I don't recall that.
 17 Q Can you recall that it was not just the
 18 Hamiltonian Hotel number that you gave her, but her own
 19 personal number?
 20 MR. MIRAGLIA: Objection, asked and answered.
 21 THE WITNESS: I would have given a number that was
 22 provided by her business card. The number that I
 23 would have used when I would reach her. So it would have
 24 been her business number. But I do not recall the specific
 25 number, or if there were multiple numbers.

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1 BY MR. DOGGETT:
 2 Q But the best of your recollection is the number
 3 that you were giving out was from her business card, the
 4 phone number.
 5 A That's the best I could recall, that it would have
 6 been a business number.
 7 Q Now, do you recall Tim saying to you that he had
 8 been told that this number was given to some people, like
 9 Herb Markham being one of them. You don't remember him
 10 mentioning Herb Markham?
 11 A I don't remember. That was over two years ago.
 12 Q He may have, but you don't remember.
 13 A I don't remember that.
 14 Q I'm saying, it's either I deny he said that or I
 15 don't know whether he said it or not.
 16 MR. MIRAGLIA: Objection asked and answered.
 17 THE WITNESS: Yeah. I do not deny he said that; I
 18 don't recall that he said that.
 19 BY MR. DOGGETT:
 20 Q I've been through this many times, where you have
 21 to distinguish between I don't remember being I don't
 22 remember it or not.
 23 So she said -- I'm satisfied with her answer.
 24 Now, do you recall that, at that time, that you
 25 told -- that Tim wanted to tell everybody or get the word

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1 out about people to call that number?
 2 A I don't recall that. I just don't recall the
 3 elements of that conversation.
 4 Q Okay. Do you further recall -- just to refresh
 5 your recollection -- that Tim told you people were told they
 6 could call that number and tell Smart Papers they didn't
 7 want a job?
 8 A That's possible, but I don't recall that.
 9 Q Isn't that what you -- the reason you gave it to
 10 supervisors, so they could give it to employees? I may have
 11 misunderstood you.
 12 MR. MIRAGLIA: Objection, mischaracterization of
 13 prior testimony, but go ahead.
 14 THE WITNESS: I'm sorry, I didn't understand your
 15 objection.
 16 MR. MIRAGLIA: Mischaracterization of prior
 17 testimony.
 18 MR. DOGGETT: I'll withdraw the question.
 19 BY MR. DOGGETT:
 20 Q Why did you give Mary Rita Weissman's numbers to
 21 supervisors?
 22 A Because employees of the supervisors were
 23 expressing questions or concerns about whether they
 24 accurately reflected in the interview their interest in
 25 employment. Therefore, there was nothing, as International

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1 Paper employees, that we could do about that; we had to make
 2 sure that if people had questions or concerns, they had to
 3 contact Smart Papers.
 4 Q All right. Isn't it a fact that this was -- that
 5 Mary Rita Weissman's number and that calling that number to
 6 tell Smart whether or not the person wanted a job or not was
 7 not openly broadcast to every hourly employee?
 8 There was no publication or notice, if you don't
 9 want a job with Smart, call this number; that was not done,
 10 was it?
 11 A Every hourly employee was scheduled for a personal
 12 interview with Smart Papers. At which time -- and they had
 13 to complete an application. At which time, either on the
 14 application they could have indicated they did not want a
 15 job, and during the interview that each employee was
 16 afforded, they could have indicated that they did not want a
 17 job.
 18 Q I think the fault must lie with my -- form of my
 19 question, so I'll try it...
 20 Isn't it a fact that there was no general
 21 publication to hourly employees by International Paper that,
 22 if you don't want a job with Smart, call this number?
 23 A That was not a part of the employment process.
 24 There would have been no reason to publish such a number.
 25 Q Now, with your -- with the problems in recalling

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1 A And I remember -- and I don't know whether it was
2 that week or later, following another week -- I don't recall
3 the specific timing of that -- that he phoned and asked that
4 the letter be rescinded. And I told him I would take the
5 information down. He said, I'm not coming to work. And I
6 said that's fine, no one's requiring you to accept the job
7 offer. But at this point, the job offer stands.

8 Q You told him that?

9 A Yeah. Yeah.

10 And so then I think I received a phone call from
11 an attorney representing him, and then I received a fax. I
12 think it was a fax from an attorney representing him, or
13 maybe it was a letter, I'm not sure.

14 Q To refresh your recollection, was that attorney
15 his brother, Clayton Napier?

16 A People since then have told me that. At that
17 moment in time, I did not know that.

18 Q Okay. But you --

19 A Not that it would have mattered, frankly.

20 Q And the phone call and the fax from the attorney,
21 what did that -- what was that communication by the
22 attorney?

23 A That -- I don't remember the specifics. Generally
24 speaking, it was stating that Mr. Napier did not want the
25 position, therefore he should not have been offered the

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1 who made the decisions that, generally speaking, they
2 weren't making job offers to people who didn't want to work
3 there.

4 That would make sense as an employer.

5 Q Do you know that some employees had stated they
6 did not want a job, were offered a job, refused it and were
7 denied severance pay? Do you know that?

8 A No, I do not know that.

9 Q But you don't deny that that's possible, do you,
10 that that happened?

11 A Anything's possible. But I do not know that that
12 happened. I do not know that.

13 Q Do you -- isn't it a fact that you know that just
14 because an employee said they didn't want a job offer with
15 Smart to the Smart people, that they nevertheless got a job
16 offer?

17 A I was not involved in that process. So I do know
18 what I stated about when I investigated the conditions
19 around Mr. Napier.

20 Q All right. Here's what you know. That Mr. Napier
21 had said in the interview he didn't want to work -- a job at
22 Smart, right?

23 A That's correct.

24 Q And you also know that, nevertheless, Smart
25 offered him a job.

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1 position. Generally, along those lines.

2 And again, that was one of many questions,
3 concerns, that were expressed during that first several
4 weeks of employment with Smart Papers.

5 Q Did you learn, by whatever means you might have
6 done it, that Hubert Napier did get severance pay from IP?

7 A I don't know that -- I don't know whether or not
8 he got severance pay. I do recall that we rescinded his
9 offer, or something to that effect.

10 Q Say that again. He rescinded his offer?

11 A No.

12 Q Oh, IP -- Smart did?

13 A Smart Paper rescinded the offer as it was
14 investigated, going back and looking at all of the
15 documentation of Smart Papers during the interview process,
16 it was very clearly documented by Mr. Napier during his
17 interview, during the application process, during all of
18 that, that he clearly stated he did not want a job offer.

19 I don't know why he then was delivered a job
20 offer. There was no -- Smart Papers, when they received
21 that information, we're not required not to give somebody a
22 job offer if they said they didn't want one. Smart Papers
23 still, of course, could give them a job offer if they wanted
24 it. But it was my understanding, you know, kind of later,
25 after I was a Smart Paper employee, talking to those people

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1 A That's correct.

2 Q You also know that, after that, you told
3 Mr. Napier the job offer stands.

4 A On the day that I delivered him the job offer, the
5 answer, that's correct. Yeah.

6 Because his dilemma was, What am I putting at risk
7 there if I do or don't show up for a day of work? I can't
8 answer that question for him. The only thing I could say
9 is, at that point in time, the job offer stood.

10 Q Now, did you know -- before today, did you know
11 that Milton Lewis was processing and signing agreements for
12 employees to withdraw their acceptance of the job offer from
13 Smart? Did you know that before today by any means?

14 A No.

15 Q You didn't hear it -- you didn't know what he was
16 doing?

17 A That's correct.

18 Q And you deny you told him to do these things.

19 A Oh, yes.

20 Q Let's see. Who you know about would include
21 Hubert Napier, you know he was offered a job by Smart, and
22 then that was rescinded after he objected; isn't that right?

23 A That's the one example that I know of and was
24 involved with its --

25 Q Yeah. Now, you were also, to that extent, which